



Congress of the United States
House of Representatives

June 14, 2011

The President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, DC 20500

Dear Mr. President:

Five days from now, our country will reach the 90-day mark from the notification to Congress regarding the commencement of the military operation in Libya, which began on March 18, 2011. On June 3, 2011, the House passed a resolution which, among other provisions, made clear that the Administration has not asked for, nor received, Congressional authorization of the mission in Libya. Therefore, it would appear that in five days, the Administration will be in violation of the War Powers Resolution unless it asks for and receives authorization from Congress or withdraws all U.S. troops and resources from the mission.

Since the mission began, the Administration has provided tactical operational briefings to the House of Representatives, but the White House has systematically avoided requesting a formal authorization for its action. It has simultaneously sought, however, to portray that its actions are consistent with the War Powers Resolution. The combination of these actions has left many Members of Congress, as well as the American people, frustrated by the lack of clarity over the Administration's strategic policies, by a refusal to acknowledge and respect the role of the Congress, and by a refusal to comply with the basic tenets of the War Powers Resolution.

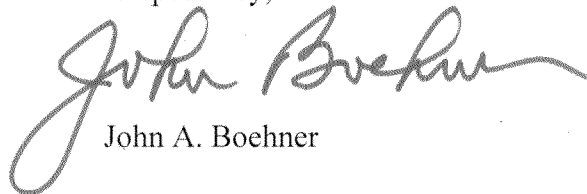
You took an oath before the American people on January 20, 2009 in which you swore to "faithfully execute the Office of President" and to "preserve, protect and defend the Constitution of the United States." The Constitution requires the President to "take Care that the Laws be faithfully executed," and one of those laws is the War Powers Resolution, which requires an approving action by Congress or withdrawal within 90 days from the notification of a military operation. Given the mission you have ordered to the U.S. Armed Forces with respect to Libya and the text of the War Powers Resolution, the House is left to conclude that you have made one of two determinations: either you have concluded the War Powers Resolution does not apply to the mission in Libya, or you have determined the War Powers Resolution is contrary to the Constitution. The House, and the American people whom we represent, deserve to know the determination you have made.

Therefore, on behalf of the institution and the American people, I must ask you the following questions: Have you or your Administration conducted the legal analysis to justify your position as to whether your Administration views itself to be in compliance with the War Powers Resolution so that it may continue current operations, absent formal Congressional support or authorization, once the 90-day mark is reached? Assuming you conducted that analysis, was it with the consensus view of all stakeholders of the relevant Departments in the Executive branch? In addition, has there been an introduction of a new set of facts or circumstances which would have changed the legal analysis the Office of Legal Counsel released on April 1, 2011? Given the gravity of the constitutional and statutory questions involved, I request your answer by Friday, June 17, 2011.

From the beginning, the House of Representatives has sought to balance two equal imperatives regarding Libya which have been in direct contradiction: the House of Representatives takes seriously America's leadership role in the world; our country's interests in the region; and the commitments to and from its steadfast allies. At the same time, strong concern and opposition exists to the use of military force when the military mission, by design, cannot secure a U.S. strategic policy objective. The ongoing, deeply divisive debate originated with a lack of genuine consultation prior to commencement of operations and has been further exacerbated by the lack of visibility and leadership from you and your Administration.

I respect your authority as Commander-in-Chief, though I remain deeply concerned the Congress has not been provided answers from the Executive branch to fundamental questions regarding the Libya mission necessary for us to fulfill our equally important Constitutional responsibilities. I believe in the moral leadership our country can and should exhibit, especially during such a transformational time in the Middle East. I sincerely hope the Administration will faithfully comply with the War Powers Resolution and the requests made by the House of Representatives, and that you will use your unique authority as our President to engage the American people regarding our mission in Libya.

Respectfully,

A handwritten signature in dark ink, appearing to read "John A. Boehner". The signature is fluid and cursive, with a long, sweeping underline that extends to the left and then loops back under the name.

John A. Boehner